

## STATE OF NEVADA SUBSTANCE ABUSE WORKING GROUP

### MINUTES OF MEETING

August 19, 2014

Office of the Attorney General  
Mock Courtroom  
100 N. Carson Street  
Carson City, NV 89701

#### **VIDEOCONFERENCE TO:**

Office of the Attorney General  
Grant Sawyer Building  
Room 4500  
555 E. Washington Ave.  
Las Vegas, NV 89101

#### **1. Call to order and roll call of members.**

Chairperson Catherine Cortez Masto called the meeting of the Substance Abuse Working Group to order at 2:00 p.m. Senior Deputy Attorney Henna Rasul called the roll.

#### **Members Present:**

Catherine Cortez Masto, Attorney General – Chair  
Rory Planeta, Chief, Carson City Alternative Sentencing (Retired)  
Mark Jackson, Douglas County District Attorney  
Richard Whitley, Administrator DHHS, Behavioral and Public Health  
David Marlon, President, Solutions Recovery  
Kent Bitsko, Dir. NV HIDTA  
Linda Lang, Nevada Statewide Coalition Partnership, EUDL Program  
Richard Varner, Washoe Tribe Chief of Police

#### **Members Absent**

Richard Varner, Washoe Tribe Chief of Police  
Peter Mansky, M.D., Director Nevada Professionals Assistance Program  
Kevin Gehman, Chief, Fallon P.D. (Sheriff's and Chief's Rural Representative)  
Richard Whitley, Administrator DHHS, Behavioral and Public Health

#### **Others Present**

Linda Fitzgerald, Executive Assistant to the Attorney General  
Henna Rasul, Senior Deputy Attorney General, Office of the Attorney General  
Heather Cooney, Legal Secretary, Office of the Attorney General  
Brett Kandt, Counsel for Prosecuting Attorneys, Office of the Attorney General  
Joanna Jacob, Ferrari Public Affairs for Consumer Healthcare Products Association  
Mary Wherry, Division of Public and Behavioral Health

Stacy Woodbury, Nevada State Medical Association  
Liz Mac Menamin, Retail Association of Nevada  
Eric Fleisher, SCRAM of Nevada  
Leslie Dixon, M.D.,

## **2. Comments from the public**

No public comment

## **3. Review and Approve May 27, 2014 minutes.**

Brett Kandt noted that his name was omitted from those in attendance. Mark Jackson moved to approve the minutes. The motion was seconded by David Marlon and unanimously approved

## **4. Presentation of statistical data regarding accidental drug deaths in Clark County by Michael Murphy, Clark County Coroner.**

Mr. Murphy made the following presentation:

In Clark County four different compounds have been found in prescription abuse related deaths. Those who are sixty plus years of age are taking an average of eight different prescription drugs daily. Prescription drugs and their use continues to be a growing epidemic for Clark County indiscriminate to age, race, social class, economic status, or geographic location; accounting for over 40% of these deaths involving opioid analgesics (prescription pain killers) and benzodiazepines.

There has been an increase in heroin use in young people in place of pain management drugs primarily because it is cheaper.

In 2013 1148 deaths were found to be related to substance use or abuse. The majority were between the ages of 36 and 60 years of age. 316 of these were classified as accidental and 77 were classified as suicide.

The Coroner's investigative process includes a systematic medicolegal death investigation of the body and the incident scene, to include but not limited to:

- Prescription medication
  - Prescribed to ? i.e. to the decedent or another
  - Location, relation to other medications/RX
  - Type and amount prescribed/amount on hand
  - Same RX prescribed by more than one physician
  - Hx of normal ingestion, stockpiling...
  - Recent indicators (suicidal ideations/attempts)
  - Recent indicators (suicidal ideations/attempts)
  - Evidence of accidental ingestion or misuse (crushing, paraphernalia, etc.)

- History and Physical - ER records, inpatient admissions, physician notes, etc. to include prescribed/administered Rx (when, type, quantify/means)
- Pharmacy dispense logs
- State prescription medication logs
- Toxicology analysis/results

There are more accidental drug overdoses in total than there are homicides, suicides and motor vehicle accident deaths.

Chairperson Masto opened the topic to public comment.

Dr. Leslie Dixon asked how the toxicity levels relate to those people who have an increased tolerance after long term drug use. Mr. Murphy responded that there is a guide book that takes into consideration whether a person is opiate naïve or has increased tolerance when determining what the numbers should be.

**5. Request for SAWG support of legislation that restricts underage access to products containing Dexamethorphan (DEX). Joanna Jacob, VP, Ferrari Public Affairs.**

Ms. Jacob made the following presentation:

States including Virginia, Arizona, Washington, New York, California and Louisiana have passed legislation insuring that retail outlets selling cough syrup containing DEX require identification for purchase.

Assemblyman David Bobzien will introduce BDR 392 in the next legislative session which will require retailers to verify proof of age as a condition of sale of products containing DEX. Additionally the bill will enable the State Board of Pharmacy to take action against a retailer who sells products containing DEX to a person under the age of 18. Assemblyman Bozien and CHPA (Consumer Healthcare Product Association) have been working closely with the Retail Association who is supportive of the bill.

Ms. Jacob formally asked for the group's support and endorsement.

Chairperson Masto opened the matter up to the board for comments. David Marlon stated that he supported the legislation. Richard Varner asked if the BDR had been drafted yet. Ms. Jacob stated the BDR was still in draft form but she would provide it to the board when it is completed. Rory Planeta stated he supports the BDR in concept but would like to see the final BDR. He added that there are people over 18 abusing DEX as well and would like to see the product behind the counter as in Sudafed.

The group discussed whether supporting legislation might be outside the scope of the duties of the working group. Chairperson Masto asked Ms. Rasul for a copy of the NRS and added that the group may need to add this into the next legislative session.

Chairperson Maston opened the agenda item for public comment.

Dr. Leslie Dixon suggested to the authors of the bill that there be an educational component and added DEX tests positive for opiates in urine drugs screens and she

does not believe many people know that. Ms. Jacob responded that CHPA is involved in an educational campaign with school nurses, and other community groups.

## **6. Discussion regarding possible legislation during the 2015 Legislative Session.**

### **A. Installation of interlock devices in cars of first time DUI offenders.**

No update was available.

### **B. Access to Narcan (Naloxone) Statute**

Chairperson Masto stated that her office was reviewing other state's statutes that have expanded the use of Narcan, allowing individuals other than physicians to prescribe and/or administer Narcan, for possible inclusion of similar legislation in her bill packet.

Chairperson Masto stated she has spoken with Assemblyman Michael Sprinkle and was informed that EMT basics do not have this drug in their kit so this may be an area where access can be expanded. She has also discussed the topic with the State Medical Association to get their input and would like to speak with the nurses.

Chairperson Masto asked for comments from the working group.

Linda Lang stated that this topic was discussed in length at the recent National Prescription Drug Conference in Atlanta recently including different levels of possible legislation. The first was to extend just to the EMT's, the second was to expand to law enforcement and the third was to parents and/or laymen. It appeared that the most successful was to extend to the EMT's and other medical personnel. There was significant backlash in states that attempted to expand to law enforcement, however states that have passed legislation expanding use to law enforcement have shown significant reduction in the number of overdoses. She would like to see review of statistics from states that have expanded use to include law enforcement and parent/layperson. She stated that she supports expanding to medical personnel.

David Marlon commented that it should be a trained medical professional such as an EMT that would have access to the drug.

Kent Bitsko agreed and voiced some concern over whether it was appropriate to use law enforcement for this purpose, specifically with regard to liability and about providing the necessary training for law enforcement and for private individuals both in terms of who would be providing the training and the cost.

Chairperson Masto stated that any proposed legislation would include immunity for trained persons against any liability.

Ms. Lang offered to provide the group with her handouts from the conference.

Rory Planeta stated that in rural Nevada it may be beneficial to include law enforcement due to the possible delays in getting ambulance service in those areas.

Chairperson Masto opened this topic for Public Comment

Dr. Dixon commented that an a speedy response was critical as overdose makes people stops breathing and you have 4-6 minutes to intervene before there is irreversible brain damage and/or death. She recommended that someone such as Dr. Slattery, from UMC Emergency Medicine, and Director of Medical Services, Las Vegas Fire and Rescue, come and speak about the use of this drug.

### **C. Good Samaritan Overdose Prevention Statute**

Chairperson Masto stated this legislation would provide immunity to an individual who calls 911 to save the life of a person who has overdosed. She has been reviewing Good Samaritan statutes from other states, some of which include immunity from other types of crimes. Chairperson Masto added she met with the Sheriff's and Chiefs Association and they are concerned about the inclusion of other crimes under any immunity statute. They also had questions about whether how many times they might have to provide immunity to a chronic user. She added that the topic is still being explored and asked the group to review the statutes from other states and offer comments.

Linda Lang commented that this topic was discussed at length at the National Prescription Drug Conference. She stated that one of the main areas discussed was at what level the immunity ceased and that most states did not extend immunity to other crimes that might be occurring such as weapons possession. She added that this is really supported by parents across the state. The Conference also discussed the challenge of disseminating the information to the people who need it (drug users).

Chairperson Masto added that she had asked the National Association of Attorneys General to do a survey of those states that have passed Good Samaritan Laws to see if they have made any difference in saving lives and if they could see a statistical change in the number of overdose or toxic deaths but there was no data available yet.

Chairperson Masto opened the topic to the public for discussion.

Brett Kandt stated that his research had arrived at very similar conclusions that these laws are so new there is not any hard data on the effect of the laws but an effective public awareness component is essential, especially targeting kids. He stated he has had discussion in several jurisdictions where too many instances where kids died from a drug overdose.

#### **D. Medical Marijuana Update**

Brett Kandt stated there will be a follow up medical marijuana bill brought by Senator Segerblom to tie up some loose ends in SB 374. It will be an omnibus type bill and address a number of issues.

Kent Bitsko stated there was a study done by Rocky Mountain \_\_\_\_\_based in Denver that looked at the effect of not only medical marijuana law but also the recreational use bill that recently passed. In the executive summary there were a lot of unintended consequences that occurred. Mr. Bitsko offered to provide a copy to the board members.

#### **E. Legislation giving law enforcement access to the RX prescription monitoring data base**

Brett Kandt stated that Las Vegas Metro is working closely with Speaker Kirkpatrick on this who has some privacy concerns and there may be some legislation to address this topic during session if her concerns are addressed.

Kent Bitsko stated Metro's Legislative Affairs is looking for a sponsor for the bill. He added that the Board had no concerns regarding privacy as the bill as only law enforcement working full time doing prescription drug investigations would have access and only for one year and then would have to be renewed.

Kent Bitsko explained that currently it is only available now to State Investigators, not to investigators such as those assigned to the Pharmaceutical Task Force who do the majority of the pharmaceutical investigations here.

Rory Planeta added that when he was on the Tri-Net Task Force in Carson City they encountered this problem often and would have to pass the pharmaceutical cases off to the State Investigator.

Chairperson Masto opened the topic for public comment.

Dr. Stacy Woodbury commented that there are two ways to access the PMP, one is by a simple one page request form that includes a case number and is submitted to the Pharmacy Board. The other way is through DPS investigations who are available to take the requests and perform the searches. She stated that as a representative of the physicians in this state and a consumer, the privacy concern is very real and very valid. She encouraged Metro to reach out to the prescriber community because this legislation

will impact the delivery of health care services and prescribing habits. She stated that patients are already finding some of the restrictions that are in place are making it difficult to get access to their medications. There are already chain stores that are restricting the supply of these drugs in their pharmacy and a consequence could be patients flooding our emergency rooms if they cannot get their medications.

## **F. Others**

Kent Bitsko stated that there is another piece of legislation that he wrote in conjunction with the Clark County District Attorney's Office that is supported by Las Vegas Metro's Legislative Affairs who is looking for a sponsor. The bill rewrites the trafficking drugs for prescription drugs to mirror Nevada's trafficking laws currently for Meth, Coke and Heroin. Currently there is no way to prosecute the traffickers. The current law requires a specific amount at one time making it all but impossible to prosecute. This bill allows for an aggregate amount over the previous ninety days.

Rory Planeta commented that we may need some legislation to implement the 24/7 program.

## **7. Update on the SAWG Impaired Driving Sub-committee. Rory Planeta, Sheriff's and Chief's Urban Rep, Ret'd.**

### **A. Overview of criteria for statewide 24/7 Sobriety Programs**

Rory Planeta discussed the stated that Dan Altavor has supplied the criteria for the programs in South Dakota, North Dakota and Montana provided by Dan Altavor. All programs in these states are participant paid and are commonly used as a condition of bond, pre-trial release, a condition of a suspended sentence or probation, a condition of placement or return of a parent who is alleged or adjudicated abused or neglected child and/or as a condition of parole.

He directed the Working Group to NRS 320, 330 and 340 and discussed the programs already in place in Nevada. He stated that Nevada's 24/7 Sobriety Programs pilot programs could be created within the existing statutes. Mr. Planeta asked for a support letter stating that the group is in support of these programs.

Chairperson Masto explained that the Working Group does not have the authority to write letters of support or endorsements but rather can make recommendations in the report to the Legislature based on research about programs we have come across that appear to be working in other communities. Chairperson Masto suggested that Mr. Planeta might obtain a letter of endorsement from MADD or Stop DUI.

Chairperson Masto opened the topic to the members for discussion.

No comments from the members.

Chairperson Masto opened the topic for public comment.

Eric Fleisher updated the group on SCRAM's efforts to create a pilot program in Elko, Carson City and Clark County and commented that all of the programs in the sister states have been self-funding.

#### **8. Swearing in of new members to the SAWG Impaired Driving Sub-Committee.**

Linda Lang stated that she had been advised that the members could be sworn in at the next sub-committee meeting in the first week of September. Ms. Lang stated that Dr. Mansky has resigned from the group, Linda Finch has retired from MADD and is going to be replaced by Donna Mayette, the Northern Nevada MADD Coordinator, , Chief \_\_\_\_\_ is going to serve as the tribal representative, and Judge John Tatro and Sheila Leslie have also offered to serve.

#### **9. Follow-up on video contest between High Schools to combat substance abuse.**

Dave Marlon provided an update and distributed the flyer and timeline to the members. (unintelligible, excessive noise interference).

Linda Lang added that they are still looking for judges and specifically are looking for a media personality from the north as they have already secured one from the south.

#### **10. Discussion regarding AB61, amending NRS 228, regarding the issue of June 30, 2015 as the expiration date of the Substance Abuse Working Group**

The group discussed the origins of the Working Group and the need for it to continue. After discussion Richard Varner made a motion that the group look at extending the sunset date for a period of four (4) years to 2019. Kent Bitsko seconded the motion and it was passed unanimously. Chairperson Masto stated this could be accomplished through her bill package.

#### **11. Comments from the Working Group Members**

Kent Bitsko commented that the law enforcement community is seeing an explosion of heroin including 40.3 kilos of heroin just in the task forces assigned to Nevada HIDTA in 2013 and two cases already with over 20 lbs of heroin this year. He added that this heroin use is directly related to pharmaceutical abuse. Mr. Bitsko attributed the increase in part to the low cost of heroin compared to prescription drugs purchased on the street.

Mr. Bitsko also informed the group of NV HIDTA will be sponsoring a 2 day pharmaceutical summit in Las Vegas and tentatively a 1 day summit in Reno.

Chairperson Masto advised the group that as part of their statutory mandate the group will need to prepare a report to the Legislature which will be discussed more fully at the next meeting. One topic to be included is our ability to address legislation.

Rory Planeta reported that Ultram is now a schedule 4 drug.

#### **12. Schedule future meetings and agenda items.**

The next meeting and future agenda items will be coordinated through Linda Fitzgerald.

**13. Comments from the public.**

Dr. Dixon reported the Nevada Psychiatric Association will be holding a conference In February, 2015 with Dr. Elinore F. McCance-Katz, SAMHSA Chief Medical Officer speaking. A separate small conference for the medical community is scheduled to hear about opiate dependence and treatment.

**14. Adjourn.**

The meeting was adjourned at 4:17 p.m.

DRAFT